

In the Matter of CONSOLIDATED VULTEE AIRCRAFT CORPORATION and FALLS CITIES CARPENTERS' DISTRICT COUNCIL, AFFILIATED WITH A. F. OF L.

In the Matter of CONSOLIDATED VULTEE AIRCRAFT CORPORATION and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL NO. 369 (A. F. OF L.)

Cases Nos. 9-R-1255 and 9-R-1297, respectively.—Decided February 28, 1944

Mr. John J. Grealis, of Chicago, Ill., for the Company.

Mr. Herman Cohen, of Louisville, Ky., for the Council and the I. B. E. W.

Mr. Van B. Carter, of Louisville, Ky., for the I. A. M.

Miss Frances Lopinsky, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon a petition duly filed by Falls Cities Carpenters' District Council, affiliated with A. F. of L., herein called the Council, and an amended petition duly filed by International Brotherhood of Electrical Workers, Local No. 369 (A. F. of L.), herein called the I. B. E. W., each alleging that a question affecting commerce had arisen concerning the representation of employees of Consolidated Vultee Aircraft Corporation, Louisville, Kentucky, herein called the Company, the National Labor Relations Board provided for an appropriate consolidated hearing upon due notice before Thomas E. Shroyer, Trial Examiner. Said hearing was held at Louisville, Kentucky, on January 4, 1944. The Company, the Council, the I. B. E. W., and International Association of Machinists, herein called the I. A. M.,¹ appeared and participated. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce

¹ The I. A. M. appeared only to deny that any jurisdictional dispute existed between it and the I. B. E. W. or the Council. It did not request a place on the ballot.

evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded an opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Consolidated Vultee Aircraft Corporation, a Delaware corporation, is engaged at its plant in Louisville, Kentucky, in the design, manufacture, development, and sale of aircraft parts and accessories. At the present time it is engaged exclusively in production for war purposes. The plant in Louisville is Government owned and privately operated. The United States Army delivers all materials and all planes for modification to the plant in Louisville and takes delivery of them, after modification, in Louisville. The Company concedes that its raw materials and products travel in interstate commerce and admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

Falls Cities Carpenters' District Council, affiliated with the American Federation of Labor, is a labor organization admitting to membership carpenters employed by the Company.

International Brotherhood of Electrical Workers, Local No. 369, affiliated with the American Federation of Labor, is a labor organization admitting to membership electrical workers employed by the Company.

International Association of Machinists, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTIONS CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Council or to the I. B. E. W. as exclusive representative of their respective craft groups unless and until they shall be certified by the Board in appropriate units.

The Company contends that no determination of representatives can now be made because it has not yet reached 50 percent of its anticipated complement of employees. The Company, however, anticipates no substantial increase in the number of carpenters and maintenance electricians in its employ. Since the employees with whom we are herein concerned will not be greatly affected by the expansion of

the plant, we perceive no reason to deny them the right to a determination of representatives at this time.²

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Council and the I. B. E. W. each represents a substantial number of employees in the unit alleged by it to be appropriate.³

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNITS

The I. B. E. W. requests a unit of maintenance electricians and electrical installers. The Council requests a unit of maintenance carpenters and craters. The Company contends that only an industrial unit is appropriate for employees of a plant such as its Louisville operation and that the I. A. M. has started organization on such a basis. The I. A. M., however, states that it is attempting to organize only production employees and that it will cooperate with the I. B. E. W. and the Council in the establishment of their proposed craft units. No labor organization has ever been recognized by the Company as the bargaining representative of employees in this plant.

In view of the many craft units in which bargaining is being conducted in aircraft plants throughout the country, the Company's contention that nothing but an industrial unit can be appropriate in an aircraft plant has no basis.⁴ There remains to be decided whether or not the units requested by the craft unions are appropriate in the Company's plant.

The maintenance carpenters and craters are a cohesive group, working out of a central headquarters under the direction of the maintenance foreman. Carpenters are sent throughout the plant on call of all departments, for maintenance work such as installing partitions,

² See *Matter of Dodge Chicago Plant, Division of Chrysler Corporation*, 51 N. L. R. B. 1256.

³ The Acting Regional Director reported that the Council submitted 25 authorization cards all of which bore apparently genuine original signatures; that the names of 21 persons appearing on the cards were listed on the Company's pay roll of November 24, 1943, which contained the names of 25 carpenters in the Company's employ and that the cards were all dated November 11, 1943.

The I. B. E. W. submitted 85 authorization cards all of which bore apparently genuine, original signatures. The names of 39 persons appearing on the cards were contained in the aforesaid pay roll which contains names of 100 persons in the unit alleged appropriate by the I. B. E. W. The cards were dated October, November, and December 1943. All parties admitted that the I. A. M. had sufficient interest in the employees at the plant to allow its intervention.

⁴ See *Matter of Douglas Aircraft Company, Inc.*, 52 N. L. R. B. 781; *Fisher Cleveland Aircraft Division, General Motors Corporation, Plant No 2*, 52 N. L. R. B. 1291

building benches and workstands, and modifying and changing wooden facilities. Although crating does not require the same skill as general carpentry, it is done by the same men who perform the more skilled work. We find that maintenance carpenters and craters constitute an identifiable group sufficiently distinguishable from other groups of employees in the plant to warrant establishing them as a separate bargaining unit.

The maintenance electricians are a group similar to the carpenters in that they report to a general headquarters and are sent throughout the plant by the maintenance foreman to perform maintenance and repair work and the electrical part of installations attached to the plant. The installers, whom the I. B. E. W. would include in its proposed unit, install electrically operated parts in airplanes. Electrical installers are not necessarily trained electricians. They are not employed in the maintenance department of the plant. They are employees who have been taught one or more operations in the installation of certain electrically driven accessories and they perform these operations repetitively. In our opinion, the mere fact that these installers do work which concerns electrical apparatus does not in itself ally their interests with those of skilled electricians rather than with those of other production employees. There in fact is no sharp distinction between them and other production employees. The maintenance electricians, alone, however, do constitute an identifiable unit appropriate for purposes of collective bargaining.

We find that (1) all maintenance carpenters and craters, excluding all supervisory employees with authority to hire, promote, discharge, discipline or otherwise effect changes in the status of employees, and (2) all maintenance electricians, including their helpers and apprentices,⁵ excluding all supervisory employees as above-defined, constitute two separate units, each appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the questions concerning representation which have arisen be resolved by elections by secret ballot among the employees in the appropriate units who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction.

⁵ At the time of the hearing no electricians' helpers or apprentices were employed by the Company.

DIRECTION OF ELECTIONS

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Consolidated Vultee Aircraft Corporation, Louisville, Kentucky, an election by secret ballot shall be conducted as early as possible but not later than thirty (30) days from the date of this Direction under the direction and supervision of the Regional Director for the Ninth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the units found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls; but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the elections, to determine (1) whether or not the carpenters and craters desire to be represented by Falls Cities Carpenters' District Council, affiliated with the A. F. of L., for the purposes of collective bargaining; and (2) whether or not the electricians, their helpers and apprentices desire to be represented by International Brotherhood of Electrical Workers, Local No. 369, affiliated with the (A. F. of L.), for the purposes of collective bargaining.